

### **REMARKS**

Claims 1-8 and 10-17 are pending in the subject application. By this amendment, original claims 1, 5, 10-12 and 14-17 have been amended and claim 9 has been canceled. Support for the amendments to the claims can be found throughout Applicant's specification. Applicant therefore respectfully submits that no new matter has been introduced by these amendments.

Applicant thanks the Examiner for the indicated allowability of claims 4, 8 and 12-17 if rewritten in independent form. By this amendment, claim 12 has been rewritten in independent form, and claims 10, 11, and 14-17 have been amended to depend from claim 12. Thus, Applicant respectfully submits that claims 10-17 are allowable over the prior art of record. Applicant believes that claims 4 and 8 are now allowable for the reasons discussed below.

Applicant respectfully requests reconsideration of the subject patent application in light of the above amendments and below remarks.

### **Rejections Under 35 U.S.C. § 112**

In the Office Action dated May 27, 2005, the Examiner rejected claims 1-8 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Specifically, it was alleged that it was not clear whether the "central shaft" was being positively claimed. Applicant respectfully traverses the rejections.

Claims 1 and 5 each recite in part "an elongate arm configured *for mounting on* the center shaft." Applicant believes that this language clarifies that the "classifier assembly" of claim 1 and the "system for limiting particle egress" of claim 5 are meant to be used in combination with

a center shaft, and do not include the center shaft. Applicant respectfully requests that the rejections under 35 U.S.C. § 112, paragraph 2, be withdrawn.

**Rejections Under 35 U.S.C. § 102(b) and 35 U.S.C. § 103**

In the Office Action, the Examiner rejected claims 1-3, 5, 6, 9 and 10 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,289,978 to Lundquist. The Examiner also rejected claims 7 and 11 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lundquist. Applicant respectfully traverses the rejections.

By this amendment, claim 9 has been cancelled, allowable claim 12 has been rewritten in independent form, and claims 10 and 11 have been amended to depend from claim 12. Thus, Applicant respectfully submits that claims 10 and 11 are allowable over the prior art of record.

As to claims 1-4, as amended, independent claim 1 recites, among other things, “an elongate arm configured for mounting on the center shaft in such a manner as to extend radially outward from the center shaft, the arm including a protective guard.” As an example not intended to limit the scope of Applicant’s claims, a protective guard, such as guard 44 can be provided to protect an elongate arm such as arm 38. (E.g., Specification at page 9, line 21 – page 10, line 3). In contrast to Applicant’s invention as now claimed, Lundquist describes a system having a series of rotating members 8 and cooperating stationary members 10. Lundquist does not teach or suggest modifying any one of rotating members 8 into “an elongate arm configured for mounting on the center shaft in such a manner as to extend radially outward from the center shaft, the arm including a protective guard.” Claim 1, as amended, is thus allowable over Lundquist. Since claims 2-4 depend from claim 1, they also are allowable for at least these

reasons. Moreover, dependent claims 2-4 are further allowable because they claim combinations of features that are not disclosed, taught or suggested by Lundquist.

As to claims 5-8, as amended, independent claim 5 recites, among other things, a “sealing arrangement including a beater for reducing the size of particulate passing therethrough.” As an example not intended to limit the scope of Applicant’s claims, beaters 60 can be provided to cause further size reduction of particulate. (E.g., Specification at page 11, lines 6-8). In contrast to Applicant’s invention as now claimed, Lundquist describes a system having a plurality of stationary baffles 28. Lundquist does not teach or suggest modifying baffles 28 into a “sealing arrangement including a beater for reducing the size of particulate passing therethrough.” Claim 5, as amended, is thus allowable over Lundquist. Since claims 6-8 depend from claim 5, they also are allowable for at least these reasons. Moreover, dependent claims 6-8 are further allowable because they claim combinations of features that are not disclosed, taught or suggested by Lundquist.

Applicant’s representative has also reviewed the other references cited by the Examiner but not relied upon. These references do not remedy the deficiencies present in Lundquist, and do not disclose, teach or suggest the invention as presently claimed. Applicant thus respectfully requests that the rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) be withdrawn.


#### Formal Request For Interview

Applicant respectfully requests an interview with the Examiner to discuss the present application and the prior art of record. Applicant’s attorney of record Brian Pollack may be reached at (203) 353-6876 to schedule a mutually convenient date and time and to provide assistance or additional information if required.

### CONCLUSION

Applicant respectfully submits that none of the prior art of record, alone or in combination, discloses or suggests the invention as claimed. Based upon the foregoing, favorable consideration of Claims 1-8 and 10-17 is respectfully requested. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 59705(49389).

Respectfully submitted,



Date: August 25, 2005

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